

Sec.

- (e) Hearing; representative of class.
- (f) "Manufacturer" defined.
- (g) Cost-benefit analysis of notification or other action not required.
- 1275. Toxicological Advisory Board.
  - (a) Establishment; functions; review and recommendations.
  - (b) Membership; appointment; qualifications; Chairman; term of office; re-appointment; vacancies; meetings; compensation and travel expenses; Federal nonemployee status.
  - (c) Termination.
- 1276. Congressional veto of hazardous substances regulations.
  - (a) Transmission to Congress.
  - (b) Disapproval by concurrent resolution.
  - (c) Presumptions from Congressional action or inaction.
  - (d) Continuous session of Congress.
- 1277. Labeling of art materials.
  - (a) Regulation status of standard D-4236 of American Society for Testing and Materials.
  - (b) Requirements applicable to standard D-4236.
  - (c) Revisions incorporated into standard D-4236; notice and hearing; amendment; opportunity for comment; transcript of proceedings.
  - (d) Guidelines for determining chronically hazardous art materials; issuance; public hearing; scope of criteria; review; amendment.
  - (e) Informational and educational materials; development and distribution.
  - (f) Injunctions.
- 1278. Requirements for labeling certain toys and games.
  - (a) Toys or games for children who are at least 3.
  - (b) Balloons, small balls, and marbles.
  - (c) General labeling requirements.
  - (d) Treatment as misbranded hazardous substance.

## CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1276, 1460, 2052, 2055, 2079 of this title.

**§ 1261. Definitions**

For the purposes of this chapter—

(a) The term "territory" means any territory or possession of the United States, including the District of Columbia and the Commonwealth of Puerto Rico but excluding the Canal Zone.

(b) The term "interstate commerce" means (1) commerce between any State or territory and any place outside thereof, and (2) commerce within the District of Columbia or within any territory not organized with a legislative body.

(c) Omitted

(d) The term "Commission" means the Consumer Product Safety Commission.

(e) The term "person" includes an individual, partnership, corporation, and association.

(f) The term "hazardous substance" means:

(1)(A) Any substance or mixture of substances which (i) is toxic, (ii) is corrosive, (iii) is an irritant, (iv) is a strong sensitizer, (v) is flammable or combustible, or (vi) generates pressure through decomposition, heat, or other means, if such substances or mixture of substances may cause substantial personal injury or substantial illness during or as a proxi-

mate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children.

(B) Any substances which the Commission by regulation finds, pursuant to the provisions of section 1262(a) of this title, meet the requirements of subparagraph (1)(A) of this paragraph.

(C) Any radioactive substance, if, with respect to such substance as used in a particular class of article or as packaged, the Commission determines by regulation that the substance is sufficiently hazardous to require labeling in accordance with this chapter in order to protect the public health.

(D) Any toy or other article intended for use by children which the Commission by regulation determines, in accordance with section 1262(e) of this title, presents an electrical, mechanical, or thermal hazard.

(E) Any solder which has a lead content in excess of 0.2 percent.

(2) The term "hazardous substance" shall not apply to pesticides subject to the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. 136 et seq.], nor to foods, drugs and cosmetics subject to the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.], nor to substances intended for use as fuels when stored in containers and used in the heating, cooking, or refrigeration system of a house, nor to tobacco and tobacco products, but such term shall apply to any article which is not itself a pesticide within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act but which is a hazardous substance within the meaning of paragraph (1) of this subsection by reason of bearing or containing such a pesticide.

(3) The term "hazardous substance" shall not include any source material, special nuclear material, or byproduct material as defined in the Atomic Energy Act of 1954, as amended [42 U.S.C. 2011 et seq.], and regulations issued pursuant thereto by the Atomic Energy Commission.

(g) The term "toxic" shall apply to any substance (other than a radioactive substance) which has the capacity to produce personal injury or illness to man through ingestion, inhalation, or absorption through any body surface.

(h)(1) The term "highly toxic" means any substance which falls within any of the following categories: (a) Produces death within fourteen days in half or more than half of a group of ten or more laboratory white rats each weighing between two hundred and three hundred grams, at a single dose of fifty milligrams or less per kilogram of body weight, when orally administered; or (b) produces death within fourteen days in half or more than half of a group of ten or more laboratory white rats each weighing between two hundred and three hundred grams, when inhaled continuously for a period of one hour or less at an atmospheric concentration of two hundred parts per million by volume or less of gas or vapor or two milligrams per liter by volume or less of mist or dust, provided such concentration is likely to be encountered by man when the substance is used in any reasonably foreseeable manner; or (c) produces death within